

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 3 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 Sec. 3. The terms used in this Act shall have the following
8 meanings:

9 (a) "Crime victim" or "victim" means: (1) any natural
10 person determined by the prosecutor or the court to have
11 suffered direct physical or psychological harm as a result of a
12 violent crime perpetrated or attempted against that person or
13 direct physical or psychological harm as a result of (i) a
14 violation of Section 11-501 of the Illinois Vehicle Code or
15 similar provision of a local ordinance or (ii) a violation of
16 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
17 of 2012; (2) in the case of a crime victim who is under 18 years
18 of age or an adult victim who is incompetent or incapacitated,
19 both parents, legal guardians, foster parents, or a single
20 adult representative; (3) in the case of an adult deceased
21 victim, 2 representatives who may be the spouse, parent, child
22 or sibling of the victim, or the representative of the victim's
23 estate; and (4) an immediate family member of a victim under

1 clause (1) of this paragraph (a) chosen by the victim. If the
2 victim is 18 years of age or over, the victim may choose any
3 person to be the victim's representative. In no event shall the
4 defendant or any person who aided and abetted in the commission
5 of the crime be considered a victim, a crime victim, or a
6 representative of the victim.

7 A board, agency, or other governmental entity making
8 decisions regarding an offender's release, sentence reduction,
9 or clemency can determine additional persons are victims for
10 the purpose of its proceedings. ~~person with a disability~~

11 (a-3) "Advocate" means a person whose communications with
12 the victim are privileged under Section 8-802.1 or 8-802.2 of
13 the Code of Civil Procedure, or Section 227 of the Illinois
14 Domestic Violence Act of 1986.

15 (a-5) "Confer" means to consult together, share
16 information, compare opinions and carry on a discussion or
17 deliberation.

18 (a-7) "Sentence" includes, but is not limited to, the
19 imposition of sentence, a request for a reduction in sentence,
20 parole, mandatory supervised release, aftercare release, early
21 release, clemency, or a proposal that would reduce the
22 defendant's sentence or result in the defendant's release.
23 "Early release" refers to a discretionary release.

24 (a-9) "Sentencing" includes, but is not limited to, the
25 imposition of sentence and a request for a reduction in
26 sentence, parole, mandatory supervised release, aftercare

1 release, or early release.

2 (b) "Witness" means: any person who personally observed the
3 commission of a crime and who will testify on behalf of the
4 State of Illinois; or a person who will be called by the
5 prosecution to give testimony establishing a necessary nexus
6 between the offender and the violent crime.

7 (c) "Violent crime ~~Crime~~" means: (1) any felony in which
8 force or threat of force was used against the victim; (2) any
9 offense involving sexual exploitation, sexual conduct, or
10 sexual penetration; (3) a violation of Section 11-20.1,
11 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961 or
12 the Criminal Code of 2012; (4) domestic battery or stalking;
13 (5) violation of an order of protection, a civil no contact
14 order, or a stalking no contact order; (6) any misdemeanor
15 which results in death or great bodily harm to the victim; or
16 (7) any violation of Section 9-3 of the Criminal Code of 1961
17 or the Criminal Code of 2012, or Section 11-501 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance, if
19 the violation resulted in personal injury or death. "Violent
20 crime" includes any action committed by a juvenile that would
21 be a violent crime if committed by an adult. For the purposes
22 of this paragraph, "personal injury" shall include any Type A
23 injury as indicated on the traffic accident report completed by
24 a law enforcement officer that requires immediate professional
25 attention in either a doctor's office or medical facility. A
26 type A injury shall include severely bleeding wounds, distorted

1 extremities, and injuries that require the injured party to be
2 carried from the scene.

3 (d) (Blank).

4 (e) "Court proceedings" includes, but is not limited to,
5 the preliminary hearing, any post-arraignment hearing the
6 effect of which may be the release of the defendant from
7 custody or to alter the conditions of bond, change of plea
8 hearing, the trial, any pretrial or post-trial hearing,
9 sentencing, any oral argument or hearing before an Illinois
10 appellate court, any hearing under the Mental Health and
11 Developmental Disabilities Code after a finding that the
12 defendant is not guilty by reason of insanity, any hearing
13 related to a modification of sentence, probation revocation
14 hearing, aftercare release or parole hearings, post-conviction
15 relief proceedings, habeas corpus proceedings and clemency
16 proceedings related to the defendant's conviction or sentence.
17 For purposes of the victim's right to be present, "court
18 proceedings" does not include (1) hearings under Section 109-1
19 of the Code of Criminal Procedure of 1963, (2) grand jury
20 proceedings, (3) status hearings, or (4) the issuance of an
21 order or decision of an Illinois court that dismisses a charge,
22 reverses a conviction, reduces a sentence, or releases an
23 offender under a court rule.

24 (f) "Concerned citizen" includes relatives of the victim,
25 friends of the victim, witnesses to the crime, or any other
26 person associated with the victim or prisoner.

1 (g) "Victim's attorney" means an attorney retained by the
2 victim for the purposes of asserting the victim's
3 constitutional and statutory rights. An attorney retained by
4 the victim means an attorney who is hired to represent the
5 victim at the victim's expense or an attorney who has agreed to
6 provide pro bono representation. Nothing in this statute
7 creates a right to counsel at public expense for a victim.

8 (Source: P.A. 98-558, eff. 1-1-14; 99-143, eff. 7-27-15;
9 99-413, eff. 8-20-15; revised 10-19-15.)

10 Section 5. The Crime Victims Compensation Act is amended by
11 changing Section 2 as follows:

12 (740 ILCS 45/2) (from Ch. 70, par. 72)

13 Sec. 2. Definitions. As used in this Act, unless the
14 context otherwise requires:

15 (a) "Applicant" means any person who applies for
16 compensation under this Act or any person the Court of Claims
17 finds is entitled to compensation, including the guardian of a
18 minor or of a person under legal disability. It includes any
19 person who was a dependent of a deceased victim of a crime of
20 violence for his or her support at the time of the death of
21 that victim.

22 (b) "Court of Claims" means the Court of Claims created by
23 the Court of Claims Act.

24 (c) "Crime of violence" means and includes any offense

1 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
2 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
3 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3,
4 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15,
6 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05
7 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4)
8 of Section 11-14.4, of the Criminal Code of 1961 or the
9 Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery
10 Protection Act, Section 125 of the Stalking No Contact Order
11 Act, Section 219 of the Civil No Contact Order Act, driving
12 under the influence as defined in Section 11-501 of the
13 Illinois Vehicle Code, a violation of Section 11-401 of the
14 Illinois Vehicle Code, provided the victim was a pedestrian or
15 was operating a vehicle moved solely by human power or a
16 mobility device at the time of contact, and a violation of
17 Section 11-204.1 of the Illinois Vehicle Code; so long as the
18 offense did not occur during a civil riot, insurrection or
19 rebellion. "Crime of violence" does not include any other
20 offense or accident involving a motor vehicle except those
21 vehicle offenses specifically provided for in this paragraph.
22 "Crime of violence" does include all of the offenses
23 specifically provided for in this paragraph that occur within
24 this State but are subject to federal jurisdiction and crimes
25 involving terrorism as defined in 18 U.S.C. 2331.

26 (d) "Victim" means (1) a person killed or injured in this

1 State as a result of a crime of violence perpetrated or
2 attempted against him or her, (2) the spouse or parent of a
3 person killed or injured in this State as a result of a crime
4 of violence perpetrated or attempted against the person, (3) a
5 person killed or injured in this State while attempting to
6 assist a person against whom a crime of violence is being
7 perpetrated or attempted, if that attempt of assistance would
8 be expected of a reasonable person under the circumstances, (4)
9 a person killed or injured in this State while assisting a law
10 enforcement official apprehend a person who has perpetrated a
11 crime of violence or prevent the perpetration of any such crime
12 if that assistance was in response to the express request of
13 the law enforcement official, (5) a person who personally
14 witnessed a violent crime, (5.05) a person who will be called
15 as a witness by the prosecution to establish a necessary nexus
16 between the offender and the violent crime, (5.1) solely for
17 the purpose of compensating for pecuniary loss incurred for
18 psychological treatment of a mental or emotional condition
19 caused or aggravated by the crime, any other person under the
20 age of 18 who is the brother, sister, half brother, half
21 sister, child, or stepchild of a person killed or injured in
22 this State as a result of a crime of violence, (6) an Illinois
23 resident who is a victim of a "crime of violence" as defined in
24 this Act except, if the crime occurred outside this State, the
25 resident has the same rights under this Act as if the crime had
26 occurred in this State upon a showing that the state,

1 territory, country, or political subdivision of a country in
2 which the crime occurred does not have a compensation of
3 victims of crimes law for which that Illinois resident is
4 eligible, (7) a deceased person whose body is dismembered or
5 whose remains are desecrated as the result of a crime of
6 violence, or (8) solely for the purpose of compensating for
7 pecuniary loss incurred for psychological treatment of a mental
8 or emotional condition caused or aggravated by the crime, any
9 parent, spouse, or child under the age of 18 of a deceased
10 person whose body is dismembered or whose remains are
11 desecrated as the result of a crime of violence.

12 (e) "Dependent" means a relative of a deceased victim who
13 was wholly or partially dependent upon the victim's income at
14 the time of his or her death and shall include the child of a
15 victim born after his or her death.

16 (f) "Relative" means a spouse, parent, grandparent,
17 stepfather, stepmother, child, grandchild, brother,
18 brother-in-law, sister, sister-in-law, half brother, half
19 sister, spouse's parent, nephew, niece, uncle or aunt.

20 (g) "Child" means an unmarried son or daughter who is under
21 18 years of age and includes a stepchild, an adopted child or a
22 child born out of wedlock.

23 (h) "Pecuniary loss" means, in the case of injury,
24 appropriate medical expenses and hospital expenses including
25 expenses of medical examinations, rehabilitation, medically
26 required nursing care expenses, appropriate psychiatric care

1 or psychiatric counseling expenses, expenses for care or
2 counseling by a licensed clinical psychologist, licensed
3 clinical social worker, licensed professional counselor, or
4 licensed clinical professional counselor and expenses for
5 treatment by Christian Science practitioners and nursing care
6 appropriate thereto; transportation expenses to and from
7 medical and counseling treatment facilities; prosthetic
8 appliances, eyeglasses, and hearing aids necessary or damaged
9 as a result of the crime; costs associated with trafficking
10 tattoo removal by a person authorized or licensed to perform
11 the specific removal procedure; replacement costs for clothing
12 and bedding used as evidence; costs associated with temporary
13 lodging or relocation necessary as a result of the crime,
14 including, but not limited to, the first month's rent and
15 security deposit of the dwelling that the claimant relocated to
16 and other reasonable relocation expenses incurred as a result
17 of the violent crime; locks or windows necessary or damaged as
18 a result of the crime; the purchase, lease, or rental of
19 equipment necessary to create usability of and accessibility to
20 the victim's real and personal property, or the real and
21 personal property which is used by the victim, necessary as a
22 result of the crime; the costs of appropriate crime scene
23 clean-up; replacement services loss, to a maximum of \$1,250 per
24 month; dependents replacement services loss, to a maximum of
25 \$1,250 per month; loss of tuition paid to attend grammar school
26 or high school when the victim had been enrolled as a student

1 prior to the injury, or college or graduate school when the
2 victim had been enrolled as a day or night student prior to the
3 injury when the victim becomes unable to continue attendance at
4 school as a result of the crime of violence perpetrated against
5 him or her; loss of earnings, loss of future earnings because
6 of disability resulting from the injury, and, in addition, in
7 the case of death, expenses for funeral, burial, and travel and
8 transport for survivors of homicide victims to secure bodies of
9 deceased victims and to transport bodies for burial all of
10 which may not exceed a maximum of \$7,500 and loss of support of
11 the dependents of the victim; in the case of dismemberment or
12 desecration of a body, expenses for funeral and burial, all of
13 which may not exceed a maximum of \$7,500. Loss of future
14 earnings shall be reduced by any income from substitute work
15 actually performed by the victim or by income he or she would
16 have earned in available appropriate substitute work he or she
17 was capable of performing but unreasonably failed to undertake.
18 Loss of earnings, loss of future earnings and loss of support
19 shall be determined on the basis of the victim's average net
20 monthly earnings for the 6 months immediately preceding the
21 date of the injury or on \$1,250 per month, whichever is less
22 or, in cases where the absences commenced more than 3 years
23 from the date of the crime, on the basis of the net monthly
24 earnings for the 6 months immediately preceding the date of the
25 first absence, not to exceed \$1,250 per month. If a divorced or
26 legally separated applicant is claiming loss of support for a

1 minor child of the deceased, the amount of support for each
2 child shall be based either on the amount of support pursuant
3 to the judgment prior to the date of the deceased victim's
4 injury or death, or, if the subject of pending litigation filed
5 by or on behalf of the divorced or legally separated applicant
6 prior to the injury or death, on the result of that litigation.
7 Real and personal property includes, but is not limited to,
8 vehicles, houses, apartments, town houses, or condominiums.
9 Pecuniary loss does not include pain and suffering or property
10 loss or damage.

11 (i) "Replacement services loss" means expenses reasonably
12 incurred in obtaining ordinary and necessary services in lieu
13 of those the injured person would have performed, not for
14 income, but for the benefit of himself or herself or his or her
15 family, if he or she had not been injured.

16 (j) "Dependents replacement services loss" means loss
17 reasonably incurred by dependents or private legal guardians of
18 minor dependents after a victim's death in obtaining ordinary
19 and necessary services in lieu of those the victim would have
20 performed, not for income, but for their benefit, if he or she
21 had not been fatally injured.

22 (k) "Survivor" means immediate family including a parent,
23 step-father, step-mother, child, brother, sister, or spouse.

24 (l) "Parent" means a natural parent, adopted parent,
25 step-parent, or permanent legal guardian of another person.

26 (m) "Trafficking tattoo" is a tattoo which is applied to a

1 victim in connection with the commission of a violation of
2 Section 10-9 of the Criminal Code of 2012.

3 (Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13;
4 97-1150, eff. 1-25-13; 98-435, eff. 1-1-14.)